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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/587,097	06/02/2000	Mark Lavergne	3165A-000010	6167

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EXAMINER
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TODD, GREGORY G

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 04/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/587,097

Applicant(s)

LAVERGNE ET AL.

Examiner

Gregory G. Todd

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)     | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This is a fifth office action in response to applicant's amendment filed, 29 December 2005, of application filed, with the above serial number, on 02 June 2000 in which claims 1, 6, 7, 12, 17, 18, 23-24, 26, and 27 have been amended. Claims 1-28 are therefore pending in the application.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Collins et al (hereinafter "Collins", 6,553,418) in view of Fowler et al (hereinafter "Fowler", 6,714,977).

Collins teaches the invention substantially as claimed including a method and system for monitoring and managing a power system over a network (see abstract).

As per Claim 1, Collins discloses a remote user interface system to enable a remote browser application to monitor and control a power system of the type having one or more rectifier subsystems, one or more reserve power subsystems and one or more power distribution subsystems, wherein Collins discloses:

a monitor and control system coupled to said power system for obtaining operating state information from at least one of said subsystems and for providing operating state information to at least one of said subsystems (monitoring station) (at least col. 7, lines 19-34);

a data storage system associated with said monitor and control system for storing said state information (database) (at least Fig. 3); and

a user interface manager capable of accessing said data storage system and being operative to:

(a) an applet generating a user interface within said browser application for monitoring (internet browser interface) (at least col. 7 line 64 - col. 8 line 9);

(b) supply selected operating state information to said applet for display by said remote browser within said user interface (monitoring station browser) (at least col. 7, lines 19-34); and

(c) receive data values generated by said applet in response to user interaction via said user interface and to communicate said data values to said data storage system (data presented by database presented in graphical or tabular form) (at least col. 7, lines 35-62),

wherein said remote browser displays adjustable static state information within said user interface when dynamic state information that is affected by said static state information is selected in response to said user interaction (eg. real-time graphical data) (at least col. 7 line 35 - col. 8 lines 31).

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Collins fails to disclose, explicitly, the use of an executable applet to carry out the functions of the present invention including adjusting settings and thresholds of at least one of said subsystems. However, the use and advantages for using such an applet is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of Fowler. Fowler discloses the use of Java for processing real time environmental conditions as well as users managing such systems via setting parameters and thresholds using a web-page interface (at least col. 7, lines 7-25; col. 10, lines 50-59; col. 13, lines 50-64; col. 14, lines 28-38; col. 15, lines 43-54; col. 16, lines 57-64). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of an executable applet such as Java for adjusting settings and thresholds within Collins' browser as this is a standard and commonly known application for a corporation to use to have a real-time internet enabled monitoring and management method and allows users to manage and dynamically use such monitored values under different environments.

As per Claim 2, 13.

wherein said user interface manager communicates with said applet using data packets compatible with an internet protocol (at least col. 4, lines 46-60).

As per Claim 3, 14.

wherein said user interface manager also supports a local user interface associated with said monitor and control system (monitoring station presenting in graphical data) (at least col. 7, lines 35-62).

As per Claim 4, 15.

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wherein said user interface manager also supports a local user interface that includes a touchpad input mechanism for user interaction with the power system (keying in IP address(at least col. 7, lines 19-34; Fig. 1).

As per Claim 5, 16.

further wherein said user interface manager generates at least one display screen containing both static and dynamic content (real-time graphical data) (at least col. 7 line 35 - col. 8 lines 9).

As per Claim 6, 17.

wherein said dynamic content represents said operating state information (energy usage information) (at least col. 8, lines 21-31).

As per Claim 7, 18.

wherein said user interface manager generates at a plurality of display screens, at least a portion of which contain dynamic content representing said operating state information, and wherein at least one of said applet and said user interface manager generates hyperlinks connecting said dynamic content with other display screens (energy usage information aggregated from multiple locations) (at least Fig. 1; col. 7 line 35 - col. 8 line 9).

As per Claim 8, 19.

wherein said monitor and control system includes a rectifier monitor and control module for obtaining operating state information from at least one of said rectifier subsystems (at least col. 4, lines 2-21; col. 6, lines 17-35).

As per Claim 9, 20.

wherein said monitor and control system includes a reserve monitor and control module for obtaining operating state information from batteries attached to said power system (ups) (at least col. 4, lines 2-21; col. 6, lines 17-35).

As per Claim 10, 21.

wherein said monitor and control system includes a distribution monitor and control module for obtaining operating state information from said power distribution subsystem (at least col. 4, lines 2-21; col. 6, lines 17-35).

As per Claim 11, 22.

wherein said remote browser application is an internet web browser application (at least col. 7 line 64 - col. 8 line 9).

As per Claim 12, Collins discloses a remote user interface system to enable a remote browser application to monitor and control a power system, wherein Collins discloses:

a monitor and control system coupled to said power system for obtaining operating state information about said power supply system and for providing operating state information to said power system (monitoring station) (at least col. 7, lines 19-34);

a data storage system associated with said monitor and control system for storing said operating state information (database) (at least Fig. 3); and

a user interface manager capable of accessing said data storage system and being operative to provide an applet to said remote browser application, the applet generating a user interface within said browser application for monitoring said power system (internet browser interface) (at least col. 7 line 64 - col. 8 line 9),

wherein said remote browser displays adjustable static state information within said user interface when dynamic state information that is affected by said static state information is selected in response to said user interaction (eg. real-time graphical data) (at least col. 7 line 35 - col. 8 lines 31).

Collins fails to disclose, explicitly, the use of an executable applet to carry out the functions of the present invention including adjusting settings and thresholds of at least one of said subsystems. However, the use and advantages for using such an applet is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of Fowler. Fowler discloses the use of Java for processing real time environmental conditions as well as users managing such systems via setting parameters and thresholds using an web-page interface (at least col. 7, lines 7-25; col. 10, lines 50-59; col. 13, lines 50-64; col. 14, lines 28-38; col. 15, lines 43-54; col. 16, lines 57-64). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of an executable applet such as Java for adjusting settings and thresholds within Collins' browser as this is a standard and commonly known application for a corporation to use to have a real-time internet enabled monitoring and management method and allows users to manage and dynamically use such monitored values under different environments.

As per Claim 23, Collins discloses a method of controlling a telecommunications power system, as Collins discloses;



delivering an applet to a browser application running on a computer that communicates with said telecommunications power system via a network (at least col. 7, lines 19-34; Fig. 1);

using a processor powered by said telecommunications power system to obtain operating state information about said telecommunications power system (at least col. 7, lines 35-63; Fig. 1);

communicating said operating state information to said applet via said network (data presented by database presented in graphical or tabular form) (at least col. 7, lines 35-63);

sending control information generated by said applet to said processor via said network (controlling generator over network) (at least col. 2, lines 37-52); and

displaying adjustable static state information within said browser application when dynamic state information that is affected by said static state information is selected via said applet (eg. real-time graphical data) (at least col. 7 line 35 - col. 8 lines 31).

Collins fails to disclose, explicitly, the use of an executable applet to carry out the functions of the present invention including adjusting settings and thresholds of at least one of said subsystems. However, the use and advantages for using such an applet is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of Fowler. Fowler discloses the use of Java for processing real time environmental conditions as well as users managing such systems via setting parameters and thresholds using an web-page interface (at least col. 7, lines 7-25; col.

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10, lines 50-59; col. 13, lines 50-64; col. 14, lines 28-38; col. 15, lines 43-54; col. 16, lines 57-64). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of an executable applet such as Java for adjusting settings and thresholds within Collins' browser as this is a standard and commonly known application for a corporation to use to have a real-time internet enabled monitoring and management method and allows users to manage and dynamically use such monitored values under different environments.

As per Claim 24.

using said processor to store said operating state information in a database administered by said processor (database) (at least Fig. 3).

As per Claim 25.

using said processor to store said control information in a database administered by said processor (database engine) (at least col. 8, lines 32-48; Fig. 3).

As per Claim 26.

generating a user interface display within said browser application that includes said operating state information (monitoring station presenting in graphical data form in browser) (at least col. 7, lines 35-62).

As per Claim 27.

generating a user interface display within said browser application that includes static information and dynamic information, the dynamic information being based on said operating state information (real-time graphical data) (at least col. 7 line 35 - col. 8 lines 9).

As per Claim 28.

wherein said applet generates a plurality of display screens in which at least a portion of said dynamic information on one of said display screens defines a hyperlink relationship with another of said display screens (energy usage information aggregated from multiple locations) (at least Fig. 1; col. 7 line 35 - col. 8 line 9).

### ***Response to Arguments***

4. Applicant's arguments filed 29 December 2005 have been fully considered but they are not persuasive. Applicants argue, substantially, that Fowler does not teach a user interface manager being operative to provide an executable applet to a remote browser application for generating a user interface within said browser application for monitoring adjusting settings and thresholds of a subsystem (either the generator or the energy monitoring devices).

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, Collins is relied on for teaching an applet generating a user interface within said browser application for monitoring (internet browser interface) (at least col. 7 line 64 - col. 8 line 9); Fowler, on the other hand, teaches the use of an executable applet to carry out the functions of the present invention including adjusting settings and thresholds of at least one of said subsystems. This has been previously stated at least

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in the previous office action. However, Applicant has again misinterpreted the Examiner's rejection, as the Examiner does not rely on Fowler as teaching all of element (a) of claim 1, and similarly, the Examiner does not suggest Collins as not teaching any of element (a) of claim 1. Rather, Collins teaches an applet generating a user interface within said browser application for monitoring (internet browser interface) (at least col. 7 line 64 - col. 8 line 9). Here, Collins' Internet server presents to data to remote users in a graphical manner, where each of the monitoring stations includes an Internet browser. Fowler teaches using java applications (programs, executable applets) for use via a remote web interface run by a java VM on the microprocessor allowing a user to access, configure, program, manage, and maintain (monitor and adjust) different units (at least col. 7, lines 7-25; col. 10, lines 50-59; col. 13, lines 50-64; col. 14, lines 28-38; col. 15, lines 43-54; col. 16, lines 57-64). Thus, Collins in view of Fowler clearly teach all of element (a) in claim 1.

Examiner reiterates that Applicant has previously agreed, Fowler teaches sensors monitoring equipment and networks (in addition to computer networks and equipment) and allows remote users to view current parameters and adjust allowable ranges for the parameters, see pages 12-13 of Applicant remarks filed 20 June 2005. Fowler further teaches the system and network can be managed and configured and adjusted accordingly; for example, allowing auxiliary AC units to be set to turn on when temperature reaches a limit or parameter (see col. 14 line 56 - col. 15 line 6; col. 16, lines 1-26). Fowler also teaches bots being configured and maintained via the internet,

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such configuration being done by an administrator of such a system (see col. 8, lines 1-12, 58-67).

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Newly cited May et al, Douglass et al, Ransom et al, Alexander et al, and Forth et al (each describing various remote monitoring and managing of certain systems including power distribution systems, some with later filing dates), in addition to previously cited Loucks et al, Blackett et al, Ugerud et al, Giorgio, Poth, Sneeringer, Motoyama et al, Yablonowski et al, Hart, Fitzgerald, Montgomerie et al, McNamara et al, Wookey, and Budike, Jr. are cited for disclosing pertinent information related to the

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claimed invention. Applicants are requested to consider the prior art reference for relevant teachings when responding to this office action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory G. Todd whose telephone number is (571)272-4011. The examiner can normally be reached on Monday - Friday 9:00am-6:00pm w/ first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571)272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregory Todd 

Patent Examiner

Technology Center 2100

  
ABDULLAHI SALAD  
PRIMARY EXAMINER